Secdl. II-27—100,000—28-5-48.

L+PH (1948) Department.

Ms. SERIES.

G.O. No. 3385 P.H.

Dated 5-10-48

[Despatch Abstract.]

Drugs - Drugs Act and Rules —
Enforcement of - Govt. of India
views on certain Points
Communicated

No.1-17/48-D.
Government of India.
Ministry of Health.

New Delhi, the 20th September, 1948.

From

J.N. Saksena, Esquire, B.A.,
Assistant Secretary to the Government of India,

To

The Secretary to the Government of Madras,
Education and Public Health Department,
MADRAS.

Sub:- Drugs Act and Rules.

Sir,

I am directed to say that a number of points have been raised by the trade in connection with the enforcement of the Drugs Act and Rules. The views of the Government of India on these points are given below:-

I. Is it incumbent on an importer, manufacturer, or wholesaler to sell his products only to licensed dealers?

There is at present no provision in the Drugs Act and Rules to this effect. Licences are required for sale and not for purchase. If the purchaser sells the drugs in his turn without licence, as required by the Rules, he commits an offence. His vender can, however, be made liable only if it can be shown that he aided and abetted the offence which, in practice, is very difficult. The question of removing this lacuna is already under the consideration of the Government of India.

II. Is a licence required in respect of premises such as bonded warehouses or reserved godowns where drugs are only stocked and from where no direct sales are effected?

Rule 62 of the Drugs Rules, 1945, requires a licence for each place where the drugs are stocked for sale. A licence will therefore be required for bonded warehouses and reserved godowns although the drugs stocked there are intended for sale elsewhere.

III. Does a licence to import drugs obtained by the Head Office of a firm situated at one port cover imports by all other branches of the firm situated at other ports?

Form 10 in Schedule A to the Drugs Rules, 1945, shows that the licence enables the licensee to import into British India, during the period for which the licence is in force, the substances specified in the licence, the expression "British India" being now construed as "all the provinces of India." There is no restriction that the import must be at a particular port. It is therefore open to the licensee to import the drugs covered by the licence at a port located in any of the provinces of India. If the licensee is, say, in Bombay and if the imports arrive in Madras, the Customs Authorities in Madras may want to see the licence or to be satisfied that the drugs are covered by a valid licence. For this purpose importers who import drugs through different ports of entry

in India, may, if required, present attested copies of the import licence to the Customs Authorities for their satisfaction. Moreover office copies of the import licences issued by the Drugs Controller, Government of India, New Delhi are invariably supplied to the Assistant Drugs Controllers, at the ports of Bombay and Calcutta and will also be supplied to the Assistant Drugs Controller at Madras as soon as he is appointed and the Customs collectors can consult these officers in cases of doubt.

yours faithfully,

(sd.)

Assistant Secretary.

xx xx xx

True Copy

Superintendent,
Madras Record Office, Madras.8.

JR/1415

GOVERNMENT OF MADRAS.

Abstract:

DRUGS - Drugs Act and Rules - Enforcement of - Government of India's views on certain points - COMMUNICATED.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

G.O.Ms.No. 3385. Dated 5th October 1948.

Read the following:-

From the Government of India, No. 1-17/48-D, dated 20-9-48.

...

O R D E R:

Communicated to the Surgeon General for information and guidance.

(~~By Order of His Excellency the Governor of Madras~~).

xx xx xx

To the Surgeon General, Madras, (with ~~enclosures~~ a copy of PP1-3 c p).

...

/ True Copy /

Superintendent,
Madras Record Office, Madras.8.